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10/557,197	11/17/2005	Masato Yamamichi	2005_1754A	5550

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/557,197	YAMAMICHI ET AL.
	Examiner	Art Unit	
	Son T. Hoang	2165	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-65* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☒ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *17 November 2005*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   The instant application having Application No. 10/557,197 has a total of 34

claims pending in the application; there are 8 independent claims and 26

dependent claims.

Oath/Declaration

2.   The Applicant's oath/declaration has been reviewed by the Examiner and

is found to conform to the requirements prescribed in **37 C.F.R. 1.63.**

Information Disclosure Statement

3.   As required by **M.P.E.P. 609(C)**, the Applicant's submission of the

Information Disclosure Statement dated November 17, 2005 is acknowledged by

the Examiner and the cited references have been considered in the examination

of the claims now pending. As required by **M.P.E.P 609 C(2)**, a copy of the

PTOL-1449 initialed and dated by the Examiner is attached to the instant Office

action.

Priority / Filing date

4.   The Applicant's claim for foreign priority of Patent Application No. JP

2003-159387 (filed on June 04, 2003) is acknowledged. The Examiner takes the

earliest filing date of June 04, 2003 into consideration.

Abstract

5.   The abstract of the disclosure is acceptable for examination purposes.

Drawings

6.   The drawings received on November 17, 2005 are acceptable for

examination purposes.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   **Claims 53, 58-59** are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Regarding **claims 53**, and **58-59**, the term *'RFID'* is used without

being explicitly defined in the claim language. Note that *'RFID'* is not a

term that is well known in the art, therefore, definition and/or explanation is

required.

Claim Rejections - 35 USC § 101

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10.   **Claim 64** is rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

Regarding **claim 64**, "*a management program used in a*

management device" is being recited. However, "*a management program*"

can easily be interpreted by a person with ordinary skills in the art as

software per se and functional descriptive material consisting of data

structures and computer programs, which impart functionality when employed as a computer component. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

The claims above lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When <u>functional</u> descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming <u>non</u>functional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical

application of the algorithm was in connection with the programming of a

general purpose computer.")

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate Paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this Section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   Claims 32-43, 45, 47-52, 55-57, 61-65, are rejected under 35

U.S.C. 102(b) as being anticipated by Milton (Pub. No. US 2002/0059120,

published on May 16, 2002).

Regarding **claim 32**, Milton clearly shows and discloses an

information presentation system comprising a using device, a

management device, and a portable terminal device (Figure 1), wherein

the using device (*vendor 110 in Figure 1*) uses an object and

transmits to the management device an object identifier identifying

the object used by the using device (*when a user purchases a*

media content from the vendor, a "virtual inventory receipt" is

generated by the vendor that confirms the purchase of the selected

media content, [0027]),

the management device (*media access provider 140 in*

Figure 1) receives and stores the object identifier (*This "virtual*

inventory receipt" is used to effect the forwarding and storing of a

"virtual inventory unit" of the purchased media content with a Media

Access provider of the purchaser, [0027]), and generates

presentation information based on the object identifier and

according to a request from the terminal device, and outputs the

generated presentation information (*the user selects and requests*

a media content from his virtual inventory. The media access

provider 140 forwards the content access request to the virtual

content handler 150 which, in turn, forwards the request to the

proper media content owner 160, [0073]), and

the terminal device (*#120 of Figure 1*) requests the

presentation information from the management device, and

presents the presentation information (*Once the request is*

authenticated, the media content owner 160 streams the relevant

media content directly to the user or via the media access provider

140 of the user, [0073]).

Regarding **claim 33**, Milton clearly shows and discloses (Figure 1)

a management device (*#140*) that makes up an information presentation

system together with a using device (*#110*) and a terminal device (*#120*)),

the management device comprising:

a receiving unit ([0036]) operable to receive an object

identifier identifying a used object from the using device (*This*

"virtual inventory receipt" is used to effect the forwarding and

storing of a "virtual inventory unit" of the purchased media content

with a Media Access provider of the purchaser, [0027]);

a storage unit ([0036]) operable to store the object identifier

received by the receiving unit (*This "virtual inventory receipt" is*

used to effect the forwarding and storing of a "virtual inventory unit"

of the purchased media content with a Media Access provider of

the purchaser, [0027]);

a presentation-information ([0036]) generating unit operable

to generate presentation information based on the object identifier

and according to a request from the terminal device (*the user*

selects and requests a media content from his virtual inventory. The

media access provider 140 forwards the content access request to

the virtual content handler 150 which, in turn, forwards the request

to the proper media content owner 160, [0073]); and

an outputting unit ([0036]) operable to output the

presentation information to the terminal device (*Once the request is*

authenticated, the media content owner 160 streams the relevant

media content directly to the user or via the media access provider

140 of the user, [0073]).

Regarding **claim 34**, Milton further discloses a management device

(*Figure 2 clearly shows that the virtual inventory unit is generated to*

indicate that the media content has been purchased. This virtual inventory

unit is then forwarded to media access provider for storage), further

comprising:

an attribute-information storage unit ([0036]) operable to

store i) a plurality of object identifiers respectively identifying a

plurality of objects (*Note that the media access provider can store a*

plurality of virtual inventory units to indicate purchases performed

by the user) in association with ii) pieces of attribute information

each showing attributes of a corresponding one of the plurality of

objects (*In each virtual inventory unit, there's a component called*

media content information 540 reveling such information as title,

track name, track number, artist name, copyright information,

release data ,and so on, [0045]), wherein

the presentation-information generating unit generates the

presentation information based on i) attribute information, from

among the pieces of attribute information stored in the attribute-

information storage unit, which corresponds to the received object

identifier, and ii) the received object identifier (*the device handle*

520 data element uniquely identifies or associates a particular

device handle to the virtual inventory unit. This data element

identifies a user or alternatively, a plurality of the user's devices that can be used to access the virtual inventory unit, [0043]).

Regarding **claim 35**, Milton further discloses a management device, further comprising

an extraction unit operable to extract the attribute information that corresponds to the received object identifier, from the pieces of attribute information stored in the attribute-information storage unit *(Each Virtual Inventory Unit 500 or group of Inventory Units are to be generated, distributed, and accessed according to their associated "Content Doctrines", where each Content Doctrine contains a Content Handle and instructions on how the Content is to be treated, [0047]) wherein*

the storage unit further stores the extracted attribute information in association with the received object identifier (*The association between Virtual Inventory Unit(s) and Content Doctrine is created in a database located at a Media Content Administrator's node, with the association being between the virtual inventory unit number(s) and the Content Doctrine, [0047]).*

Regarding **claim 36**, Milton further discloses a management device, wherein

the pieces of attribute information stored in the attribute-

information storage unit are grouped under a plurality of categories

(*Each Virtual Inventory Unit 500 or group of Inventory Units are to*

be generated, distributed, and accessed according to their

associated "Content Doctrines", where each Content Doctrine

contains a Content Handle and instructions on how the Content is

to be treated, [0047]),

the request from the terminal device includes a particular

one of the categories (*the content handle 510 is a universally*

recognized code that is assigned by a "virtual media registry"

(VMR) to uniquely represent a particular media content, e.g., a

particular CD of a artist, a particular video or movie and so on,

[0042]), and

the presentation information is generated based on the

attribute information that includes the particular category and an

object identifier corresponding to the attribute information (*This data*

element allows participating entities within the Virtual Media

Transactional Network to quickly associate the virtual inventory unit

with a unit of a particular media content, [0042]).

Regarding **claim 37**, Milton further discloses a management

device, wherein

the receiving unit further receives a user identifier identifying

the user used the object, together with the reception of the object

identifier (*the user MAP information 550 data element contains*

information pertaining to the purchasing user's MAP. For example,

such user MAP may include but is not limited to the "user MAP ID"

(e.g., a name or an internet address of the user's media access

provider, e.g., America Online and the like), "user MAP username"

(e.g., the user's sign on name, e.g., Jim@aol.com and the like),

[0046]),

the storage unit stores the received object identifier in

association with the received user identifier (*Note that the user Map*

information 550 data element is one of the five components in the

virtual inventory unit. Hence, the user identifier is obviously stored

within the virtual inventory unit, [0041]),

the request from the terminal device includes a particular

user identifier (*Figure 3 shows the log-in process when a user want*

to access his media access provider), and

the presentation information is generated based on an object

identifier stored in association with the particular user identifier

(*Figure 3 shows the user request a media content from a virtual*

inventory of media content and play selected media content).

Regarding **claim 38**, Milton further discloses a management

device, further comprising

an attribute-information acquiring unit ([0036]) operable to

acquire, from another device, attribute information showing

attributes of an object identified by the received object identifier

(*Each Virtual Inventory Unit 500 or group of Inventory Units are to*

be generated, distributed, and accessed according to their

associated "Content Doctrines", where each Content Doctrine

contains a Content Handle and instructions on how the Content is

to be treated, [0047]), and

the storage unit further stores the acquired attribute

information in association with the received object identifier (*The*

association between Virtual Inventory Unit(s) and Content Doctrine

is created in a database located at a Media Content Administrator's

node, with the association being between the virtual inventory unit

number(s) and the Content Doctrine, [0047]).

Regarding **claim 39**, Milton further discloses a management

device, being a portable recording medium connectable to the using

device and to the terminal device (Figure 1), wherein

the receiving unit receives the object identifier when the

management device is connected to the using device (*Figure 1*

shows connections between media access provider #140 and

vendor #110 through the Internet), and

the outputting unit outputs the presentation information when

the management device is connected to the terminal device (*Figure*

1 shows connections between media access provider #140 and

user device #120 through the Internet).

Regarding **claim 40**, Milton further discloses a management

device, wherein

the pieces of attribute information stored in the storage unit

are grouped under a plurality of categories (*Each Virtual Inventory*

Unit 500 or group of Inventory Units are to be generated,

distributed, and accessed according to their associated "Content

Doctrines", where each Content Doctrine contains a Content

Handle and instructions on how the Content is to be treated,

[0047]),

the request from the terminal device including a particular

one of the categories (*the content handle 510 is a universally*

recognized code that is assigned by a "virtual media registry"

(VMR) to uniquely represent a particular media content, e.g., a

particular CD of a artist, a particular video or movie and so on,

[0042]), and

the presentation information is generated based on the attribute information that includes the particular category and an object identifier corresponding to the attribute information (*This data element allows participating entities within the Virtual Media Transactional Network to quickly associate the virtual inventory unit with a unit of a particular media content*, [0042]).

Regarding **claim 41**, Milton further discloses a management device, wherein

the request from the terminal device includes a particular object identifier (*the content handle 510 is a universally recognized code that is assigned by a "virtual media registry" (VMR) to uniquely represent a particular media content, e.g., a particular CD of a artist, a particular video or movie and so* on, [0042]), and

the presentation information shows whether the particular object identifier included in the request from the terminal device is stored in the storage unit (*This data element allows participating entities within the Virtual Media Transactional Network to quickly associate the virtual inventory unit with a unit of a particular media content*, [0042]).

Regarding **claim 42**, Milton further discloses a management device, wherein

the requ1est from the terminal device includes a plurality of

object identifiers (*the content handle 510 is a universally*

recognized code that is assigned by a "virtual media registry"

(VMR) to uniquely represent a particular media content, e.g., a

particular CD of a artist, a particular video or movie and so on,

[0042]), and

the presentation information shows, for each of the plurality

of object identifiers included in the request from the terminal device,

whether the object identifier is stored in the storage unit (*This data*

element allows participating entities within the Virtual Media

Transactional Network to quickly associate the virtual inventory unit

with a unit of a particular media content, [0042]).

Regarding **claim 43**, Milton further discloses a management

device, further comprising:

a password storage unit operable to store a first password

(*Figure 3 shows the process of logging onto a media access*

provider. It's well inherent that the media access provider has a

stored password); and

a password receiving unit operable to receive a second

password from the terminal device (*Figure 3 shows the process of*

logging onto a media access provider. It's well inherent that the

user of the terminal device has his/her own password), wherein

the presentation-information generating unit judges whether the first password matches the second password, and when judging affirmatively, generates the presentation information (*Once the request is authenticated, the media content owner 160 streams the relevant media content directly to the user or via the media access provider 140 of the user, [0073]. It's well inherent that the log-on process will compare the user's password with its stored password, if they match, the user is authenticated*).

Regarding **claim 45**, Milton clearly shows and discloses (Figure 1) a management device (*#140*) that makes up an information presentation system together with a terminal device (*#120*), the management device comprising:

a using unit ([0036]) operable to use an object (*when a user purchases a media content from the vendor, a "virtual inventory receipt" is generated by the vendor that confirms the purchase of the selected media* content, [0027]);

an acquiring unit ([0036) operable to acquire an object identifier identifying the object used by the using unit (*This "virtual inventory receipt" is used to effect the forwarding and storing of a "virtual inventory unit" of the purchased media content with a Media Access provider of the purchaser*, [0027]);

a storage unit ([0036]) operable to store the acquired object

identifier (*This "virtual inventory receipt" is used to effect the*

forwarding and storing of a "virtual inventory unit" of the purchased

media content with a Media Access provider of the purchaser,

[0027]);

a presentation-information generating unit ([0036]) operable

to generate presentation information based on the object identifier

stored in the storage unit and according to a request from the

terminal device (*the user selects and requests a media content*

from his virtual inventory. The media access provider 140 forwards

the content access request to the virtual content handler 150 which,

in turn, forwards the request to the proper media content owner

160, [0073]); and

an outputting unit ([0036]) operable to output the

presentation information to the terminal device (*Once the request is*

authenticated, the media content owner 160 streams the relevant

media content directly to the user or via the media access provider

140 of the user, [0073]).

Regarding **claim 47**, Milton further discloses a management

device, wherein

the object identifier is stored in a recording medium assigned

to the object (*The vendor 110 associates a unique "Content*

Handle" for each purchased media content to the "virtual inventory

receipt". The content handle is a code, e.g., an ISRC code, that

uniquely identifies a particular media content persistently, [0028]),

and

the acquiring unit acquires the object identifier from the

recording medium (*This "virtual inventory receipt" is used to effect*

the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]).

Regarding **claim 48**, Milton further discloses a management

device, further comprising

an attribute-information acquiring unit operable to acquire

attribute information showing attributes of the object identified by

the acquired object identifier (*This "virtual inventory receipt" is used*

to effect the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]), wherein

the storage unit further stores therein the acquired attribute

information in association with the object identifier (*In each virtual*

inventory unit, there's a component called media content

information 540 reveling such information as title, track name, track

number, artist name, copyright information, release data ,and so

on, [0045]).

Regarding **claim 49**, Milton clearly shows and discloses (Figure 1)

a using device (*#110*) that makes up an information presentation system

together with a management device (*#140*) and a terminal device (*#120*),

the using device comprising:

a using unit ([0029]) operable to use an object (*when a user*

purchases a media content from the vendor, a "virtual inventory

receipt" is generated by the vendor that confirms the purchase of

the selected media content, [0027]);

an acquiring unit ([0029]) operable to acquire an object

identifier identifying the object used by the using unit (*The vendor*

110 associates a unique "Content Handle" for each purchased

media content to the "virtual inventory receipt", [0028]); and

a transmitting unit ([0029]) operable to output the acquired

object identifier to the management device (*This "virtual inventory*

receipt" is used to effect the forwarding and storing of a "virtual

inventory unit" of the purchased media content with a Media Access

provider of the purchaser, [0027]), wherein

the management device receives and stores therein the

object identifier outputted from the transmitting unit (*This "virtual*

inventory receipt" is used to effect the forwarding and storing of a

"virtual inventory unit" of the purchased media content with a Media

Access provider of the purchaser, [0027]), and generates

presentation information based on the stored object identifier and

according to a request from the terminal device (*the user selects*

and requests a media content from his virtual inventory. The media

access provider 140 forwards the content access request to the

virtual content handler 150 which, in turn, forwards the request to

the proper media content owner 160, [0073]), and

the terminal device requests the presentation information

from the management device, and presents the presentation

information (*Once the request is authenticated, the media content*

owner 160 streams the relevant media content directly to the user

or via the media access provider 140 of the user, [0073]).

Regarding **claim 50**, Milton further discloses a using device,

wherein

the transmitting unit outputs the acquired object identifier

together with a user identifier identifying a user of the using device

(*the user MAP information 550 data element contains information*

pertaining to the purchasing user's MAP. For example, such user

MAP may include but is not limited to the "user MAP ID" (e.g., a

name or an internet address of the user's media access provider,

*e.g., America Online and the like), "user MAP username" (e.g., the
user's sign on name, e.g., Jim@aol.com and the like),* [0046]), and

the management device stores user identifiers in association
with object identifiers respectively identifying objects used by users,
receives and stores therein the object identifier in association with
the user identifier outputted from the transmitting unit (*Note that the
user Map information 550 data element is one of the five
components in the virtual inventory unit. Hence, the user identifier
is obviously stored within the virtual inventory unit,* [0041]), and
generates the presentation information according to an object
identifier corresponding to a particular user identifier included in the
request from the terminal device (*Figure 3 shows the user request
a media content from a virtual inventory of media content and play
selected media content*).

Regarding **claim 51**, Milton further discloses a using device,
wherein

the acquiring unit acquires the object identifier by receiving
an input from a user of the using device (*a user can access his or
her set of virtual inventory of media contents by simply using a web
enabled device 120 at any web enabled location through his or her
Media Access Provider 140,* [0023]).

Regarding **claim 52**, Milton further discloses a using device,

wherein

the object identifier is stored in a recording medium assigned

to the object (*The vendor 110 associates a unique "Content*

Handle" for each purchased media content to the "virtual inventory

receipt". The content handle is a code, e.g., an ISRC code, that

uniquely identifies a particular media content persistently, [0028]),

and

the acquiring unit acquires the object identifier from the

recording medium (*This "virtual inventory receipt" is used to effect*

the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]).

Regarding **claim 55**, Milton clearly shows and discloses (Figure 1)

a portable terminal device (*#120*) that makes up an information

presentation system together with a using device (*#110*) and a

management device (*#140*), the terminal device comprising:

an input-receiving unit ([0024]) operable to receive an input

from an external source (*Once the request is authenticated, the*

media content owner 160 streams the relevant media content

directly to the user or via the media access provider 140 of the

user, [0073]);

a presentation-information acquiring unit ([0024]) operable to

acquire, according to the received input and from the management

device storing therein an object identifier identifying an object used

by the using device, presentation information generated based on

the object identifier (*the user selects and requests a media content*

from his virtual inventory. The media access provider 140 forwards

the content access request to the virtual content handler 150 which,

in turn, forwards the request to the proper media content owner

160, [0073]); and

a presentation unit ([0024]) operable to present the acquired

presentation information (*connect to the Internet and communicate*

via HTTP to display text, decode audio or video streams, [0024]).

Regarding **claim 56**, Milton further discloses a portable terminal

device, further comprising:

an identifier-acquiring unit operable to acquire a particular

object identifier identifying a particular object (*This "virtual inventory*

receipt" is used to effect the forwarding and storing of a "virtual

inventory unit" of the purchased media content with a Media Access

provider of the purchaser, [0027]), wherein

the presentation-information acquiring unit requests, from

the management device, presentation information showing whether

the acquired particular object identifier is stored in the management

device (*the content handle serves to describe the location as to where the virtual inventory units will be sent to be handled and rerouted. For example, the content handle is read by the VCH 150 to determine the location of the media content to be accessed in the case of a "content access request",* [0042]).

Regarding **claim 57**, Milton further discloses a portable terminal device, wherein

the input-receiving unit further receives input of a plurality of object identifiers (*Once the request is authenticated, the media content owner 160 streams the relevant media content directly to the user or via the media access provider 140 of the user,* [0073]),

the presentation-information acquiring unit further requests the presentation information showing, for each of the plurality of object identifiers, whether the object identifier is stored in the management device (*the content handle serves to describe the location as to where the virtual inventory units will be sent to be handled and rerouted. For example, the content handle is read by the VCH 150 to determine the location of the media content to be accessed in the case of a "content access request",* [0042]), and

the presentation unit further presents the presentation information in which object identifiers stored in the management device are shown in a distinguishable form from object identifiers

not stored in the management device (*the unit number 530 data*

element is a number or character string that uniquely identifies one

unit of media content. One can perceive the unit number 530 as a

unique serial number. The purpose of the unit number is to treat

each virtual inventory unit as a unique unit of media content and to

facilitate assignment of rules to the virtual inventory unit as said

rules are embodied in an associated "Content Doctrine" as created

and administered by the Media Content Administrator 160, ([0044]).

Regarding **claim 61**, Milton further discloses a portable terminal

device wherein

the input-receiving unit receives input of a particular one of

categories under which attributes of objects are grouped (*Each*

Virtual Inventory Unit 500 or group of Inventory Units are to be

generated, distributed, and accessed according to their associated

"Content Doctrines", where each Content Doctrine contains a

Content Handle and instructions on how the Content is to be

treated, [0047]),

the presentation-information acquiring unit requests the

presentation information by transmitting the particular category to

the management device (*This data element allows participating*

entities within the Virtual Media Transactional Network to quickly

associate the virtual inventory unit with a unit of a particular media content, [0042]),

the management device stores a plurality of categories showing a plurality of attributes of a plurality of objects in association with objects identifiers respectively identifying the plurality of objects (*the content handle 510 is a universally recognized code that is assigned by a "virtual media registry" (VMR) to uniquely represent a particular media content, e.g., a particular CD of a artist, a particular video or movie and so* on, [0042]), and

the presentation information is generated based on attribute information corresponding to an object identifier associated with the user identifier and including the particular category (*Figure 3 shows the user request a media content from a virtual inventory of media content and play selected media content*).

Regarding **claim 62**, Milton further discloses a portable terminal device, wherein

the management device stores i) user identifiers respectively identifying a plurality of users in association with ii) object identifiers respectively identifying objects used by the users (*the user MAP information 550 data element contains information pertaining to the purchasing user's MAP. For example, such user MAP may include*

but is not limited to the "user MAP ID" (e.g., a name or an internet

address of the user's media access provider, e.g., America Online

and the like), "user MAP username" (e.g., the user's sign on name,

e.g., Jim@aol.com and the like), [0046]), and

the presentation-information acquiring unit transmits a

particular user identifier identifying a particular user to the

management device, and acquires the presentation information

generated based on the object identifier associated with the

particular user identifier (*Figure 3 shows the log-in process when a*

user want to access his media access provider the user request a

media content from a virtual inventory of media content and play

selected media content).

Regarding **claim 63**, Milton clearly shows and discloses a

management method (Figures 2 & 3) used in a management device

(Figure 1, *#140*) that makes up an information presentation system

together with a using device (Figure1, *#110*) and a terminal device (Figure

1, #120), the management method comprising:

a receiving step of receiving an object identifier identifying a

used object from the using device by means of a receiving unit

(*when a user purchases a media content from the vendor, a "virtual*

inventory receipt" is generated by the vendor that confirms the

purchase of the selected media content, [0027]);

a storage step of storing the received object identifier by

means of a storage unit (*This "virtual inventory receipt" is used to*

effect the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]);

a presentation-information generating step of generating

presentation information based on the object identifier stored in the

storage unit and according to a request from the terminal device, by

means of a presentation-information generating unit (*the user*

selects and requests a media content from his virtual inventory. The

media access provider 140 forwards the content access request to

the virtual content handler 150 which, in turn, forwards the request

to the proper media content owner 160, [0073]); and

an outputting step of outputting the presentation information

to the terminal device, by means of an outputting unit (*Once the*

request is authenticated, the media content owner 160 streams the

relevant media content directly to the user or via the media access

provider 140 of the user, [0073]).

Regarding **claim 64**, Milton clearly shows and discloses a

management program used in a management device (Figure 1, *#140*) that

makes up an information presentation system together with a using device

(Figure 1, *#110*) and a terminal device (Figure 1, *#120*), the management

program causes a computer to perform:

a receiving step of receiving an object identifier identifying a

used object from the using device by means of a receiving unit

(*when a user purchases a media content from the vendor, a "virtual*

inventory receipt" is generated by the vendor that confirms the

purchase of the selected media content, [0027]);

a storage step of storing the received object identifier by

means of a storage unit (*This "virtual inventory receipt" is used to*

effect the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]);

a presentation-information generating step of generating

presentation information based on the object identifier stored in the

storage unit and according to a request from the terminal device, by

means of a presentation-information generating unit (*the user*

selects and requests a media content from his virtual inventory. The

media access provider 140 forwards the content access request to

the virtual content handler 150 which, in turn, forwards the request

to the proper media content owner 160, [0073]); and

an outputting step of outputting the presentation information

to the terminal device, by means of an outputting unit (*Once the*

request is authenticated, the media content owner 160 streams the

relevant media content directly to the user or via the media access

provider 140 of the user, [0073]).

Regarding **claim 65**, Milton clearly shows and discloses a

computer-readable recording medium on which a management program is

stored, the management program being for use in a management device

([0036]) that makes up an information presentation system together with a

using device (Figure 1, *#110*) and a terminal device (Figure 1, *#120*), the

management program causes a computer to perform:

a receiving step of receiving an object identifier identifying a

used object from the using device by means of a receiving unit

(*when a user purchases a media content from the vendor, a "virtual*

inventory receipt" is generated by the vendor that confirms the

purchase of the selected media content, [0027]);

a storage step of storing the received object identifier by

means of a storage unit (*This "virtual inventory receipt" is used to*

effect the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]);

a presentation-information generating step of generating

presentation information based on the object identifier stored in the

storage unit and according to a request from the terminal device, by

means of a presentation-information generating unit (*the user selects and requests a media content from his virtual inventory. The media access provider 140 forwards the content access request to the virtual content handler 150 which, in turn, forwards the request to the proper media content owner 160*, [0073]); and

an outputting step of outputting the presentation information to the terminal device, by means of an outputting (*Once the request is authenticated, the media content owner 160 streams the relevant media content directly to the user or via the media access provider 140 of the user*, [0073]).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

15.   **Claim 44** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Milton (Pub. No. US 2002/0059120, published on May 16, 2002) in view of Bollay

(Pub. No. US 2002/0023000, published on February 21, 2002).

Regarding **claim 44**, Milton discloses:

an attribute-information storage unit ([0036]) operable to

store i) a plurality of object identifiers respectively identifying a

plurality of objects (*Note that the media access provider can store a*

plurality of virtual inventory units to indicate purchases performed

by the user) in association with ii) pieces of attribute information

each showing attributes of a corresponding one of the plurality of

the objects (*In each virtual inventory unit, there's a component*

called media content information 540 reveling such information as

title, track name, track number, artist name, copyright information,

release data ,and so on, [0045]),

Bollay discloses:

an information storage unit operable to store position

information and items of advertisement information each having a

dependence on attributes of objects and positions (*The Information*

provider 206 provides data that includes an ID of a visitor, in

response to a query. The Information provider adds geographical

location information (e.g. the latitude and longitude coordinates) of

the visitor to the ad impression data, resulting in enhanced data.

The enhanced data, which now includes ad impression data, a

visitors ID, and geographical data, are placed on the bus 205. The

enhanced data includes the IP address of the visitor, the location

(latitude and longitude), the domain name, the advertiser/ad, the

site, the price, and other visitor-related information, [0051]));

a position-information acquiring unit operable to acquire

position information that indicates a current position of the terminal

device (*At step 302 of Figure 3 the servlet receives enhanced*

visitor data. The enhanced data includes ad impressions, IP

addresses of visitors and geographical data including locations of

IP addresses of the visitors, [0055]), wherein

the presentation-information generating unit extracts at least

one of the items of advertisement information depending on

attributes corresponding to the received object identifier and the

acquired position information, and sets the extracted item of

advertisement information as the presentation information (*In FIG.*

3b, at 306, 308, the site-specific data (1-N) are fetched. At 310,

312, the site-specific data (1-N) and a site-specific applet for each

site 1-N are transferred to private web pages 1-N accessible to the

corresponding site, [0056]).

It would have been obvious to a person skilled in the art at the time

of the invention to incorporate the teachings of Bollay with the teachings of

Milton for the purpose of aiding an advertiser in targeting ads in

cyberspace to a particular geographical location ([0015] of Bollay).

16.   **Claim 46** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Milton (Pub. No. US 2002/0059120, published on May 16, 2002) in view of

Stewart (Pub. No. US 2003/0140348, filed on January 23, 2002).

Regarding **claim 46**, Milton discloses:

the object is a digital content (*digital media content*, [0009]),

the digital content and the object identifier are stored in a

portable recording medium (*the media access provider 140 can be*

stored on a computer readable medium, [0036]), where the

recording medium further recording therein attribute information

showing attributes of the digital content (*The vendor 110 associates*

a unique "Content Handle" for each purchased media content to the

"virtual inventory receipt". The content handle is a code, e.g., an

ISRC code, that uniquely identifies a particular media content

persistently, [0028]),

the acquiring unit further acquires the attribute information

from the recording medium (*This "virtual inventory receipt" is used*

to effect the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]),

the storage unit further stores therein the acquired attribute

information in association with the object identifier (*This "virtual*

inventory receipt" is used to effect the forwarding and storing of a

"virtual inventory unit" of the purchased media content with a Media

Access provider of the purchaser, [0027]), and

the presentation-information generating unit generates the

presentation information based on the object identifier and the

attribute information that is stored in association with the object

identifier in the storage unit (*the user selects and requests a media*

content from his virtual inventory. The media access provider 140

forwards the content access request to the virtual content handler

150 which, in turn, forwards the request to the proper media

content owner 160, [0073]).

Stewart discloses:

the use performed by the using unit is to play back the digital

content (*the multimedia recorder 210 can include one or more*

buffers for temporarily storing read and write data to enable the

multimedia recorder to alternatively read from the storage medium

for playback of a multimedia presentation, [0028]),

It would have been obvious to a person skilled in the art at the time

of the invention to incorporate the teachings of Stewart with the teachings

of Milton for the purpose of enabling the user to initiate program viewing at

any time and perform trick modes on the program presentation during

playback viewing ([0005] of Stewart).

17.   **Claim 53-54**, and **58-60** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Milton (Pub. No. US 2002/0059120, published on May 16,

2002) in view of Neff (Pub. No. US 2002/0007457, published on January 17,

2002).

Regarding **claims 53** and **54**, Milton does not explicitly disclose the

recording medium is an RFID tag or a two-dimensional code.

Neff discloses using computer readable media, e.g. radio frequency

identification (RFID) tags, one or two dimensional bard codes or other

data collection devices for data storage devices ([0125]).

It would have been obvious to a person skilled in the art at the time

of the invention to incorporate the teachings of Neff with the teachings of

Milton for the purpose of using electronic encryption for use in voting

schemes ([0001] of Neff).

Regarding **claims 58** and **60**, Milton discloses:

the particular object identifier is recorded and assigned to

the particular object (*This "virtual inventory receipt" is used to effect*

the forwarding and storing of a "virtual inventory unit" of the

purchased media content with a Media Access provider of the

purchaser, [0027]), and

the identifier-acquiring unit acquires the particular object

identifier from the medium (*the content handle serves to describe*

the location as to where the virtual inventory units will be sent to be

handled and rerouted. For example, the content handle is read by

the VCH 150 to determine the location of the media content to be

accessed in the case of a "content access request", [0042]).

Neff discloses using computer readable media, e.g. radio frequency

identification (RFID) tags, one or two dimensional bard codes or other

data collection devices for data storage devices ([0125]).

Regarding **claim 59**, Milton discloses:

the identifier-acquiring unit has a function of reading a

plurality of object identifiers from the medium (*the content handle*

serves to describe the location as to where the virtual inventory

units will be sent to be handled and rerouted. For example, the

content handle is read by the VCH 150 to determine the location of

the media content to be accessed in the case of a "content access

request", [0042]),

the presentation-information acquiring unit acquires the

presentation information showing, for each of the plurality of object

identifiers, whether the object identifier is stored in the management

device (*the content handle serves to describe the location as to*

where the virtual inventory units will be sent to be handled and

rerouted. For example, the content handle is read by the VCH 150

to determine the location of the media content to be accessed in

the case of a "content access request", [0042]), and

the presentation unit presents the presentation information in

which object identifiers stored in the management device are

shown in a distinguishable form from object identifiers not stored in

the management device (*the unit number 530 data element is a*

number or character string that uniquely identifies one unit of media

content. One can perceive the unit number 530 as a unique serial

number. The purpose of the unit number is to treat each virtual

inventory unit as a unique unit of media content and to facilitate

assignment of rules to the virtual inventory unit as said rules are

embodied in an associated "Content Doctrine" as created and

administered by the Media Content Administrator 160, ([0044])..

Neff discloses using computer readable media, e.g. radio frequency

identification (RFID) tags, one or two dimensional bard codes or other

data collection devices for data storage devices ([0125]).

Conclusion

18.   These following prior arts made of record and not relied upon are

considered pertinent to Applicant's disclosure:

Lindsey (Pat. No. US 6,384,861) teaches image capture device

having cursor generating and control apparatus.

Heist (Pat. No. US 5,832,171) teaches system for creating video of

an event with a synchronized transcript.

The Examiner requests, in response to this Office action, support(s) must

be shown for language added to any original claims on amendment and any new

claims. That is, indicate support for newly added claim language by specifically

pointing to page(s) and line no(s) in the specification and/or drawing figure(s).

This will assist the Examiner in prosecuting the application.

When responding to this Office action, Applicant is advised to clearly point

out the patentable novelty which he or she thinks the claims present, in view of

the state of the art disclosed by the references cited or the objections made. He

or she must also show how the amendments avoid such references or objections

See 37 CFR 1.111(c).

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 5:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
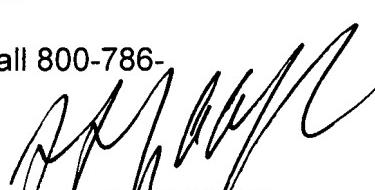
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